IN THE CLAIMS:

Please note that all claims currently pending and under consideration in the referenced application are shown below. Claims 1 through 14 have been amended herein. Claim 15 was previously canceled. New claims 16 through 21 are added herein. Please enter these claims as indicated. This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1.   (Currently amended) A method of providing a jackpot in a gaming machine used to play a game, ~~said machine having multiple simulated reels used in the game, and at least one pay line, including at least the steps of:~~ the method comprising:

~~(a)~~   determining a player's wager;

~~(b)~~   playing the ~~game,~~ game so that ~~the~~ simulated reels of the gaming machine assume a specific configuration showing symbols across ~~said~~ the simulated reels used in the game, wherein one or more of ~~said~~ the symbols ~~can be a scatter symbol, wherein one or more of said scatter symbols can be~~ is displayed as a variable state scatter ~~symbol, said variable state being~~ symbol having either an active ~~state, whereby said variable state scatter symbol acts as a scatter symbol, or an inactive state, whereby said variable state scatter symbol is not considered to be a scatter symbol, wherein the probability of a variable state scatter symbol having an active state is dependent upon the size of the player's wager; and~~ state or an inactive state when revealed on its position on the simulated reels, wherein variable state scatter symbols displayed as having an inactive state are not considered for jackpot game play; and

~~(c)~~   determining if scatter symbols displayed as having an active state appear across ~~said~~ the simulated reels used in the game in a predefined ~~manner, and if so~~ manner and, if so, then paying ~~said~~ the jackpot.

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2.   (Currently amended) ~~A~~ The method ~~according to~~ of claim 1, wherein the probability of winning the jackpot based upon the scatter symbols is linearly ~~dependant~~ dependent upon the size of the player's wager relative to a maximum possible wager.

3.   (Currently amended) ~~A~~ The method ~~according to~~ of claim 1, wherein ~~the inactive~~ variable state scatter ~~symbol is operative~~ symbols displayed as having an inactive state are considered for non-jackpot game play.

4.   (Currently amended) ~~A~~ The method of claim 1, wherein the probability of a variable state scatter symbol being displayed as having an active state is ~~dependant~~ dependent upon the size of the player's wager relative to a maximum possible wager.

5.   (Currently amended) ~~A~~ The method ~~according to~~ of claim 1, wherein the jackpot is accumulated across a plurality of linked machines.

6.   (Currently amended) ~~A~~ The method ~~according to~~ of claim 1, wherein the jackpot is accumulated on a single machine.

7.   (Currently amended) A method of awarding a jackpot in a simulated reels gaming machine, ~~wherein dependent upon the configuration of reels used in the play of a game after game play,~~ comprising:
generating a game outcome display for one or more reels used in the ~~game may include active~~ game, the game outcome display displaying scatter ~~symbols, and one reel used in the game may include~~ symbols on the one or more reels, the displayed scatter symbols being randomly selected from a set of symbols ~~which selectively form active or inactive scatter symbols,~~ that are to be displayed at active positions and inactive positions of the one or more reels; and
determining the jackpot being won ~~by a predetermined combination of active~~ by comparing scatter symbols ~~in a~~ at only active positions of the one or more reels in the game outcome ~~display including one on the said one reel used in the game,~~ display with a predetermined

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combination, wherein the probability that a scatter symbol is a position of the one or more reels is selected as an active position on the one or more reels in the game outcome display is dependent upon the a size of the player's wager relative to a maximum possible wager for the simulated reels gaming machine.

8.   (Currently amended) A system for operating a linked jackpot, comprising at least a plurality of gaming machines linked to a central jackpot controller, said the central jackpot controller and said the at least a plurality of gaming machines cooperating to implement the method according to of claim 1.

9.   (Currently amended) A gaming machine having multiple simulated reels, said the gaming machine including a processor, a player wager selection means element, and a display, and display having at least one pay line, payline, wherein the the processor playing a is programmed to play a game in accordance with software, the game including the steps of: including:

(a)   receiving a player's wager from the player wager selection means; element;

(b)   playing the game, game so that the multiple simulated reels used in the game are

        displayed, on said display, displayed on the display in a specific configuration showing symbols across said the multiple simulated reels used in the game, reels, wherein one or more of said the symbols can be a scatter symbol, wherein one or more of said scatter symbols can be a is a variable state scatter symbol, said symbol being displayed as having variable state being either an active state, state whereby said variable state scatter symbol acts as a scatter symbol, or an inactive state, state when revealed at its corresponding location on the multiple simulated reels, whereby said wherein the variable state scatter symbol in its active state is considered to be a scatter symbol for jackpot determining purposes, and wherein the variable state scatter symbol in its inactive state is not considered to be a scatter symbol for jackpot determining purposes, wherein the a probability of a variable state scatter symbol having an active state is dependent upon the a size of the player's wager; and

(c) determining if ~~scatter~~ the symbols considered to be scatter symbols for jackpot
determining purposes appear across ~~said~~ the multiple simulated reels in a
predefined ~~manner, and if so~~ manner and, if so, then paying ~~said~~ a jackpot.

10. (Currently amended) ~~A~~ The gaming machine ~~according to~~ of claim 9, wherein
~~the~~ a probability of winning the jackpot based upon the scatter symbols is linearly ~~dependant~~
dependent upon the size of the player's wager relative to a maximum possible wager.

11. (Currently amended) ~~A~~ The gaming machine ~~according to~~ of claim 9, wherein
the ~~inactive~~ variable state scatter symbol in its inactive state is ~~operative~~ considered to be a
scatter symbol for a winning determination during non-jackpot game play.

12. (Currently amended) ~~A~~ The gaming machine ~~according to~~ of claim 9, wherein
the probability of a variable state scatter symbol having an active state is ~~dependant~~ dependent
upon the size of the player's wager relative to a maximum possible wager.

13. (Currently amended) A system for operating a linked jackpot game, comprising at
least a plurality of gaming machines according to claim 9, ~~said~~ the at least a plurality of gaming
machines being linked to a central jackpot controller, ~~said~~ the central jackpot controller and ~~said~~
the at least a plurality of gaming machines cooperating to provide a pooled jackpot incremented
from wagers on all of ~~said~~ the at least a plurality of gaming machines.

14.   (Currently amended) A gaming machine having multiple simulated reels used in a game, ~~said~~ the gaming machine including a processor, a player wager selection ~~means~~ element and a display, ~~and at least one pay line, in the reels used in the game,~~ the processor ~~playing~~ programmed to play a game in accordance with software stored thereon, ~~wherein dependant upon the configuration of reels used in the game after game play,~~ wherein the processor is programmed to indicate one or more reels used in the game ~~may include active scatter~~ to randomly display symbols having a fixed active state, and at least one reel ~~may include a set of~~ to randomly display symbols ~~which selectively form~~ having either an active state or inactive ~~scatter symbols, the~~ state according to a variable state probability, wherein a jackpot for the game is ~~being~~ won by a predetermined combination of ~~active scatter symbols~~ symbols from all reels that are displayed in a game outcome display ~~including one on the said one reel used in the game,~~ to have an active state, wherein the variable state probability ~~that a scatter symbol is selected as~~ for having an active state on the game outcome display is ~~dependant~~ dependent upon ~~the~~ a size of the player's wager relative to a maximum possible wager for the gaming machine.

15.   (Canceled).

16.   (New) The method of claim 1, wherein the determination of the variable state symbol being displayed as having either an active or an inactive state occurs during a display simulating spinning of the simulated reels.

17.   (New) The method of claim 1, wherein at least some of the symbols are fixed state symbols that are displayed as only having an active state.

18.   (New) The method of claim 2, wherein revealing the variable state symbol to be displayed as having an active state is equal the player's wager divided by the maximum possible wager.

19. (New) The gaming machine of claim 9, wherein one or more of the symbols is determined to only have an active state and considered to be a scatter symbol for jackpot determining purposes along with the variable state scatter symbols in their active states.

20. (New) The gaming machine of claim 9, wherein a probability of a variable state scatter symbol having an active state is equal to the size of the player's wager divided by a size of a maximum possible wager.

21. (New) The gaming machine of claim 14, wherein the variable state probability for having an active state on the game outcome display is proportional to the size of the player's wager divided by the maximum possible wager for the gaming machine.